

91 322. A data structure according to claim 321, wherein said desired value is one.- -

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

By this Amendment, claims 1-50 are canceled without prejudice and will be pursued in a Continuation Application as explained more fully below. New claims 51-322 are added and, thus, are currently pending in the application. No new matter has been added. No claims have been amended to overcome prior art.

In the Office Action, the Examiner rejected original claims 1-50 (now canceled) under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully disagrees with the basis for the Examiner's rejection and believes that original claims 1-50 fully comply with the requirements of Section 101, as well as the Computer-Implemented Invention Guidelines issued by the U.S. Patent and Trademark Office.

These views were expressed during an interview with Examiners Patel and Bella conducted on November 23, 1999. Applicant's Counsel thanks the Examiners for the courtesy extended during that interview and their helpful comments, which included a preliminary indication that original claims 1-50 were in compliance with Section 101. During a later telephone conference, the Examiner stated that the rejections would be maintained. Rather than argue the merits of the Section 101 rejection in the pending application, Applicant chooses to cancel original claims 1-50 without prejudice and to pursue allowance of those claims in a Continuation Application.

Applicant submits that the cancellation of original claims 1-50 is not necessary to overcome the Examiner's rejections as stated in the Office Action and that such cancellation should not be construed as giving up by the Applicant


of his right to claim the subject matter recited in those canceled claims. Indeed, the Applicant maintains those positions specifically and expressly made to the Examiner during the interview that the original claims 1-50 recite statutory subject matter under Section 101, which will be fully articulated in a Continuation Application to be filed.

In order to expediate allowance of this application and in accordance with the Examiner's suggestion [See page 3, lines 13-15 of the Office Action], Applicant has added new claims 51-269 and 271-322, which recite in the body of the claim the step of recognizing a pattern in information to achieve the objective stated in the preamble. Claim 270 recites a "computer readable medium" in the body of the claim.

Accordingly, at least for all of the foregoing reasons, the present claims 51-322 recite patentable subject matter under 35 U.S.C. §101 and should be allowed.

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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